

Mackenzie Williams, Senior Assistant Attorney General
Wyoming Attorney General's Office
123 State Capitol
Cheyenne, WY 82002
Ph: 307-777-8781; Fax: 307-777-3435

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Estate of Russell Monaco, By and Through
Kathy Monaco and Rob Monaco, Personal
Representatives, and Kathy Monaco,
Individually and on Behalf of Minor
Children,

Case No. 13-CV-151-S

Plaintiffs,

vs.

Harley G. Morrell, PA-C, John Schneider,
Jr., M.D., Northern Rockies Neuro-Spine,
P.C., a Wyoming Corporation, and John
Does 1 through 10,

Defendants.

MOTION TO WITHDRAW AND BE DISMISSED AS A PARTY

The State of Wyoming, through the Wyoming Attorney General's office and Mackenzie Williams, Senior Assistant Attorney General, moves for leave to withdraw from this matter because no governmental defendants remain and, therefore, there is no need for the State to defend the constitutionality of the Governmental Claims Act.

The State of Wyoming intervened in this case for the sole purpose of defending the constitutionality of Wyoming's cap on damages that may be assessed against governmental entities. Doc. No. 28. The State of Wyoming does not take a position on any disputed factual issue in this case. At this time, Plaintiffs have settled their claims against all governmental defendants. Doc. Nos. 124, 127. As a consequence, the Governmental Claims Act is no longer at issue in this matter. Accordingly, the State requests the Court's leave to withdraw from this matter and be terminated as a party. The State's counsel has spoken with Mr. Paoli, Plaintiffs' counsel, who stated that he does not object to this motion.

Dated this 11th day of December, 2014.

/s/

Mackenzie Williams, Bar No. 6-4250
Senior Assistant Attorney General
Wyoming Attorney General's Office
123 State Capitol
Cheyenne, WY 82002
Ph: 307-777-8781; Fax: 307-777-3435

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December, 2014, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Wyoming by using the CM/ECF system. I certify that all participants named below are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Jon Mark Moyers
MOYERS LAW P.C.
490 N. 31st St, Suite 101
Billings, MT 59101

Alfred F. Paoli, Jr.
BOGUE PAOLI & THOMAS LLC
1401 17th Street
Suite 320
Denver, CO 80202

Stephenson D. Emery
WILLIAMS PORTER DAY & NEVILLE PC
Post Office Box 10700
Casper, WY 82602

_____/s/_____
Mackenzie Williams, Bar No. 6-4250
Senior Assistant Attorney General
Wyoming Attorney General's Office
123 State Capitol
Cheyenne, WY 82002
Ph: 307-777-8781; Fax: 307-777-3435